

ESTTA Tracking number: **ESTTA217857**

Filing date: **06/13/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048480
Party	Defendant AL-FAKHER FOR TABACCO TRADING & AGENCIES CO. LTD.
Correspondence Address	F. Freddy Sayegh Sayegh & Associates, PLC 5895 Washington Boulevard Culver City, CA 90232 UNITED STATES fsayegh@spattorney.com
Submission	Opposition/Response to Motion
Filer's Name	Christopher Q. Pham
Filer's e-mail	cpham@gareebpham.com, srao@gareebpham.com
Signature	//s//
Date	06/13/2008
Attachments	92048480 - Respondent's oppositio to petitioners's motion to compel responses.pdf (36 pages)(3063615 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 2782619
Issued on November 11, 2003

SINBAD GRAND CAFE, LLC,

Petitioner,

vs.

AL-FAKHER FOR TOBACCO TRADING &

AGENCIES CO. LTD.,

Respondent

Cancellation No. 92048480

**RESPONDENT'S OPPOSITION TO
PETITIONER'S MOTION TO COMPEL
RESPONSES FROM REGISTRANT TO
PETITIONER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEROF;
DECLARATIONS OF CHRISTOPHER
Q. PHAM AND DAVID HANNA IN
SUPPORT THEREOF**

Petition Filed: November 21, 2007

Discovery Period Closes: October 28, 2008

COMES NOW Respondent AL-FAKHER FOR TOBACCO TRADING & AGENCIES
CO. LTD and hereby files Its Opposition to Petitioner's Motion to Compel Responses to
Petitioner's First Set of Requests for Production of Documents and Things.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

In its Motion to Compel, Petitioner complains that Respondent's objections to Petitioner's First Set of Requests for Production of Documents and Things are improper and that Respondent has failed to produce responsive documents; however, Petitioner's motion is mooted by the fact that Respondent has already served the requested supplemental responsive documents to the requests at issue. Additionally, Petitioner asks the TTAB to unfairly award sanctions against Respondent despite the fact that Respondent did not authorize and had no knowledge of the conduct complained of. Therefore, Petitioner's Motion to Compel should be denied and no sanctions should be awarded against Respondent or Respondent's current counsel.

II. PERTINENT FACTUAL SUMMARY

This trademark cancellation action arises from a pending case in the Central District of California- Western Division, *Sierra Network, Inc. v. Akram Allos, et al.*, Case. No. 2:07-cv-06104-DSF-CT ("Central District case"), in which Respondent alleges that Petitioner committed trademark infringement as well as other violations of Respondent's intellectual property rights in the mark "Al-Fakher."

Sierra Network, Inc. is the exclusive licensee in the United States of a brand of tobacco called "Al-Fakher." (*See* Declaration of David Hanna, ¶2). Sierra Network, Inc. ("Sierra") filed a complaint in September 10, 2008 against Akram Allos, principal officer of the corporate Petitioner SINBAD GRAND CAFÉ ("Petitioner"), alleging trademark infringement as well as other violations of Sierra's intellectual property rights in the trademark "Al- Fakher." In response to the action instituted by Sierra against Akram Allos, Petitioner filed a petition to cancel Sierra Network, Inc.'s registration in the trademark "Al-Fakher" on November 21, 2007.

After Petitioner propounded its First Set of Requests for Production of Documents and Things on February 5, 2008, Respondent was contacted by his then counsel, Freddy Sayegh, several times in February and through April seeking information necessary to respond to the Petitioner's requests. (*See* Hanna Decl., ¶3). Respondent then provided answers as requested by

Mr. Sayegh. (*See* Hanna Decl., ¶3). From the period of February through May 2008, Mr. Sayegh never notified Respondent of Petitioner's request for supplemental responses and meet and confer letters, nor was Respondent aware that Mr. Sayegh had missed deadlines and extended deadlines to respond to the requests. (*See* Hanna Decl., ¶4).

After inquiring into the status of both the Central District case and the instant trademark cancellation action, Respondent became aware of many problems that arose with respect to both actions. (*See* Hanna Decl., ¶5). However, Respondent was still not apprised as to the issues with discovery requests. (*See* Hanna Decl., ¶6). On or around April 23, 2008, Mr. Sayegh sought the assistance of Christopher Q. Pham, partner of the law firm Gareeb | Pham, LLP, in e-filing an opposition to the Defendant's Motion to Dismiss in the Central District case because Mr. Sayegh forgot his Central District of California E-filing password. (*See* Declaration of Christopher Q. Pham, ¶2). On that date, Mr. Pham e-filed the Opposition to Defendant's Motion to Dismiss in the Central Case using his own account; however, the document was authored only by Mr. Sayegh, and signed only by Mr. Sayegh, as Mr. Pham was not counsel for Respondent at that time (*See* Pham Decl., ¶2).

On May 28, 2008, Respondent retained the law firm of Gareeb | Pham, LLP as counsel in both the Central District case and the trademark cancellation action. (*See* Declaration of Christopher Q. Pham, ¶3). On that same day, Gareeb | Pham, LLP filed a substitution of attorney with the Central District court to replace Mr. Sayegh as Respondent's attorney of record (*See* Pham Decl., ¶4). At this time, Gareeb | Pham was first made aware of the current status of the Central District action and the trademark cancellation action, including the state of the discovery process and Petitioner's Motion to Compel. (*See* Pham Decl., ¶5). Furthermore, Respondent did not become aware of the true status of both actions until it was informed by current counsel. (*See* Hanna Decl., ¶7, Pham Decl., ¶6).

On June 4, 2008, Gareeb | Pham filed for substitution of attorney in the instant trademark cancellation action to replace Freddy Sayegh as Respondent's counsel of record (*See* Pham

Decl., ¶7). On June 13, 2008, Respondent filed supplemental responses to Petitioner's First Set of Requests for Production of Documents and Things (*See* Pham Decl., ¶8).

III. ARGUMENT

A. Petitioner's Motion to Compel is Moot Because Respondent has already Provided the Requested Supplemental Responses to Petitioner's First Set Requests for Production of Document and Things

Petitioner complains in its Motion to Compel that Respondent did not provide the requested documents, when, in fact, Respondent did provide responsive documents to a majority of Petitioner's request with little or no objection. Petitioner also complains that Respondent failed to properly organize and list the proper responsive documents to Requests Nos. 4, 8-12, 13, 15-22, and 24-50. Petitioner's Motion to Compel responses to those requests is, however, completely unnecessary given the fact that Respondent has already provided supplemental documents, as requested by Petitioner, has abandoned its objections to those requests, and has taken great pains to organize the documents in a coherent manner. On June 13, 2008, current counsel for Respondent served verified responses to Petitioner's first set of Requests for Production of Documents and Things on counsel for Petitioner by U.S. Mail, and the documents provided were organized and Bates stamped sequentially for Petitioner's ease of reference (*See* Pham Decl., ¶8). Furthermore, in its Supplemental Responses to Petitioner's production requests, Respondent has withdrawn all objections previously made and has produced all non-privileged documents, within Respondent's possession, custody or control, that are responsive to Petitioner's requests. Thus, there is no need for the TTAB to intervene and compel the responses at issue, because there is no issue. Accordingly, Petitioner's Motion to Compel should be denied.

B. Sanctions Against Respondent and Respondent's Current Counsel would not be Proper in this Instance

Petitioner also seeks sanctions against Respondent for what Petitioner's argues is non-compliance with discovery requests; however, the TTAB is only authorized under Trademark

Rule 2.120(g)(1) to impose sanctions where a party has violated a discovery *order* issued by the TTAB, such as an order compelling discovery. *See Nobelle.Com, LLC v. Qwest Communications International, Inc.*, 66 U.S.P.Q.2d 1300, 2 (TTAB 2003). Here, no such order has been violated by Respondent, because no such order was ever issued by the Board. In light of the fact that Respondent has not violated any Board order regarding discovery, there is no procedural basis for imposing the discovery sanction requested by petitioner. *See Trademark Trial and Appeal Board Manual of Procedure* §527.01.

Furthermore, sanctions are imposed “not merely to penalize those whose conduct may be deemed to warrant such a sanction, but to deter those who might be tempted to such conduct in the absence of such a deterrent.” *National Hockey League v. Metropolitan Hockey Club, Inc.*, 427 U.S. 639, 643 (1976). In the instant case, neither the punishment nor deterrent purposes of Rule 37 are served by awarding sanctions against Respondent or Respondent’s current counsel.

First, Respondent was not informed of Petitioner’s repeated discovery requests and meet and confer letters, nor was it informed of Respondent’s former counsel’s requests for continued extensions and failure to provide supplemental responses. (*See* Hakim Decl., ¶ 4). Respondent has also attempted to demonstrate its good faith by providing further documents responsive to Petitioner’s requests. (*See* Pham Decl., ¶8). Respondent, therefore, should not be penalized or punished for conduct it was not aware of and did not authorize.

Secondly, Respondent’s current counsel should not be subject to sanctions for conduct for which it is not responsible and with which it was not involved in any way. Respondent’s counsel Respondent’s counsel did not take on this particular case until after the conduct at issue took place. (*See* Pham Decl., ¶5). In fact, current counsel was retained in an effort to rectify the current state of the situation. Thus, it would not be fair to punish Respondent’s current counsel merely because it was the law firm stuck with the “hot potato”.

Therefore, the TTAB should not grant Petitioner’s request for sanctions against either Respondent or Respondent’s counsel.

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IV. CONCLUSION

In light of the foregoing facts and argument, Respondent respectfully requests that the TTAB deny Petitioner's Motion to Compel.

Dated: June 13, 2008

Respectfully Submitted,
GAREEB | PHAM, LLP

By: _____



Christopher Q. Pham, Esq.
Sumithra Rao, Esq.
Attorneys for Respondent
AL-FAKHER FOR TOBACCO TRADING
& AGENCIES CO. LTD.

DECLARATION OF DAVID HANNA

I, David Hanna, do hereby declare the following:

1. I am Co-Owner and Vice-President of the Sierra Network, Inc., which is the exclusive licensee in the United States of the trademark "Al-Fakher," at issue in the above-entitled action. The following is within my personal knowledge and if called upon as a witness, I could and would competently testify thereto.
 2. Sierra Network, Inc. is the exclusive licensee in the United States of a brand of tobacco called "Al-Fakher."
 3. I was contacted by then counsel of record for Sierra Network, Inc., Freddy Sayegh, several times from February through April of 2008 seeking information necessary to respond to the Petitioner's Requests for Production of Documents and Things. I provided documents as requested by Mr. Sayegh.
 4. From the period of February through May 2008, Mr. Sayegh never notified me of Petitioner's request for supplemental responses and meet and confer letters, nor was I made aware that Mr. Sayegh had missed deadlines and extended deadlines to respond to the requests.
 5. After inquiring into the status of both the Central District case and the instant trademark cancellation action, I became aware of many problems that arose with respect to both actions.
 6. However, I was still not apprised as to the issues with discovery requests.
 7. I did not become aware of the true status of both actions until I was informed by current counsel of record for Sierra Network, Inc., Christopher Q. Pham.
- I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. This declaration was executed this 13th day of June, 2008, in Los Angeles, California.



David Hanna

DECLARATION OF CHRISTOPHER Q. PHAM

I, Christopher Q. Pham, Esq., hereby declare,

1. I am a partner with the law firm GAREEB | PHAM, LLP, counsel for Respondent in the above-entitled action. The following is within my personal knowledge and if called upon as a witness, I could and would competently testify thereto.

2. On April 23, 2008, Mr. Freddy Sayegh, then counsel of record for Respondent, sought my assistance in e-filing an Opposition to Defendant's Motion to Dismiss in the Central District case because Mr. Sayegh had forgotten his e-filing password. I helped Mr. Sayegh e-file the Opposition using my e-filing account with the Central District of California, however the document that was e-filed was authored only by Mr. Sayegh, and signed only by Mr. Sayegh, as I was not counsel for Respondent at that time.

3. On May 28, 2008, Respondent retained the law firm of Gareeb | Pham, LLP as counsel of record in both a pending action against Petitioner in the Central District as well as this trademark cancellation action.

4. That day, my firm filed a substitution of attorney with the Central District court to replace Freddy Sayegh as Respondent's attorney of record in the Central District Case. A true and correct copy of the substitution of attorney in the Central District Case is attached hereto as "Exhibit A."

5. After filing the substitution of attorney in the Central District Case, on May 29, 2008, I was first made aware of the current status of the Central District action and the trademark cancellation action, including the state of the discovery process and Petitioner's Motion to Compel.

6. On June 4, 2008, I informed Respondent of the current state of the proceedings in the trademark cancellation action.

7. On June 4, 2008, my firm applied with the Trademark Trial and Appeals Board for a substitution of attorney of record for Respondent in place of Freddy Sayegh.

A true and correct copy of the substitution of attorney for the TTAB is attached hereto as Exhibit "B."

8. On June 13, 2008, my firm served Respondent's Supplemental Responses to Petitioner's First Set of Requests for Production of Documents and Things by U.S. Mail. A true and correct copy of the Responses and Proof of Service are attached hereto as Exhibit "C."

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. This declaration was executed this 13th day of June, 2008, in Los Angeles, California.

A handwritten signature in black ink, appearing to read "Christopher Q. Pham", is written over a horizontal line.

Christopher Q. Pham

EXHIBIT A

Name and address
GareebPham LLP
Christopher Q. Pham SBN: 206697
707 Wilshire Boulevard, Suite 5300
Los Angeles, CA 90017
Telephone : (213) 455-2930
Facsimile :(213)455-2940

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Sierra Network, Inc., a California
Corporation

Plaintiff(s)

v.

Tobacco Import USA

Defendant(s).

CASE NUMBER

CV 07-6104

REQUEST FOR APPROVAL OF
SUBSTITUTION OF ATTORNEY

Sierra Network Inc.

Name of Party

☒ Plaintiff ☐ Defendant ☐ Other

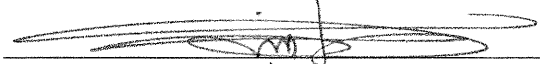
hereby request the Court approve the substitution of Christopher Q. Pham

New Attorney

as attorney of record in place and stead of F. Freddy Sayegh


Present Attorney

Dated May 28, 2008


Signature of Party/Authorized Representative of Party

I have given proper notice pursuant to Local Rule 83-2.9 and further consent to the above substitution.

Dated May 28, 2008


Signature of Present Attorney

I am duly admitted to practice in this District pursuant to Local Rule 83-2.

Dated May 28, 2008

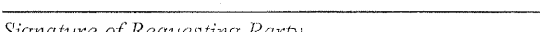

Signature of New Attorney

206697

State Bar Number

If party requesting to appear Pro Se:

Dated May 28, 2008


Signature of Requesting Party

NOTE: COUNSEL AND PARTIES ARE REMINDED TO SUBMIT A COMPLETED ORDER ON REQUEST FOR APPROVAL OF SUBSTITUTION OF ATTORNEY (G-01 ORDER) ALONG WITH THIS REQUEST.

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party to the
3 within action. My business address is **GAREEB | PHAM LLP**, located at Aon Center, 707
4 Wilshire Boulevard, 53rd Floor, Los Angeles, California 90017. On May 28, 2008, I served the
5 herein described document(s):

6 **REQUEST FOR APPROVAL OF SUBSTITUTION OF ATTORNEY**

7 by transmitting via facsimile the document(s) listed above to the fax number(s)
8 set forth below on this date before 5:00 p.m.

9 X by placing the document(s) listed above in a sealed envelope with postage
10 thereon fully prepaid, in the United States mail at Los Angeles, California
11 addressed as set forth below.

12 X CM/ECF - by electronically transmitting the document(s) listed above to
13
14 by personally delivering the document(s) listed above to the person(s) at the
15 address(es) set forth below.

16 by overnight delivery of the document(s) listed above to the person(s) at the
17 address(es) set forth below.

18 I am readily familiar with the firm's practice of collection and processing correspondence for
19 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day
20 with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion
21 of the party served, service is presumed invalid if postal cancellation date or postage

22 F. Freddy Sayegh
23 Sayegh & Associates
24 5895 Washington Blvd
25 Culver City, CA 90232

26 Natu J. Patel
27 Patel Law Firm
28 2532 Dupont Drive
Irvine, CA 92612-1524

Sierra Network, Inc.
19818 S. Alameda Street
Rancho Dominguez, CA 90221

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on May 28, 2008 at Los Angeles, California.



Vanessa Tello

EXHIBIT B

Sumi Rao

From: Susan Rabin
Sent: Wednesday, June 04, 2008 4:08 PM
To: Sumi Rao
Subject: Emailing: teas

Received Your Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative and Your Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative Was Submitted Successfully

Success!

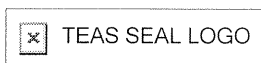
We have received your form for serial number **76315226**(and others, as listed in the form). We will send an Email summary of the form to "**srabin@gareebpham.com**", which will be your official confirmation of receipt. For electronically-submitted forms, the USPTO will not mail any additional paper confirmation.

NOTE: Do **NOT** send a duplicate paper copy of this filing to the USPTO, as it will interfere with the proper processing of the electronic submission.

Thank you.

TEAS Support Team

STAMP: USPTO/RAA-74.211.173.2-20080604190544323944-76315226-40098dfc99a12e7c71e5d7295a82dc82add-N/A-N/A-20080603185105473004



Trademark Electronic Application System (TEAS) service
U.S. Patent and Trademark Office

Please refer questions or comments to: teas@USPTO.gov

EXHIBIT C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

*In the matter of Registration No. 2782619
Issued on November 11, 2003*

SINBAD GRAND CAFE, LLC,

Petitioner,

vs.

AL-FAKHER FOR TOBACCO TRADING &

AGENCIES CO. LTD.,

Respondent

Cancellation No. 92048480

**RESPONDENT'S SUPPLEMENTAL
RESPONSES TO PETITIONER'S FIRST
SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

Petition Filed: November 21, 2007

Discovery Period Closes: October 28, 2008

PROPOUNDING PARTY: Petitioner SINBAD GRAND CAFÉ, LLC

RESPONDING PARTY: Respondent AL-FAKHER FOR TOBACCO TRADING &
AGENCIES CO. LTD.

SET NO.: One (1)

Respondent Al-Fakher for Tobacco Trading & Agencies Co., Ltd., pursuant to the provisions of 37 C.F.R. § 2.120 and Rule 34 of the *Federal Rules of Civil Procedure*, hereby provides supplemental responses to Petitioner Sinbad Grand Café, LLC's First Set of Requests for Production of Documents and Things.

GENERAL STATEMENT

Respondent has not completed Respondent's investigation of the facts relating to this case, nor has Respondent completed discovery or preparation for trial. These responses are made on the basis of information presently available to Respondent. There may be further information of which Respondent is unaware. Therefore, Respondent reserves the right to offer or rely at trial on subsequently discovered information.

These responses are made solely for the purpose of this action. Respondent reserves the right to object to the use of any response in any other action. Each response is given subject to all appropriate objections, including but not limited to, objections concerning competency, relevancy, materiality, propriety, admissibility, the attorney-client privilege and the work-product doctrine, which would require the exclusion of any statements contained herein where made by a witness present and testifying in court. All such objections and grounds therefore are reserved and may be interposed at the time of trial. By providing information in response to any requests, Respondent does not intend to authorize the use of such information in any action other than this one, nor does Respondent waive any right Respondent may have to object to further use of the information provided in this or any other action, and thus reserves any and all rights Respondent may have to object to such further use.

No incidental or implied admissions are intended by these responses. Respondent's responses or objections to any request are not intended as an admission of any purported facts set forth or assumed by such request. Respondent's response to any request is not intended as a waiver by Respondent of any objection to that request or any other request.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS
SUPPLEMENTAL RESPONSE TO REQUEST NO. 1:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent has produced all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further documents responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 2:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: The United States Patent and Trademark Office Application and Registration of the trademark under Bassam

Hamade (Bates Stamps 184-193); The TESS search of the word mark Al-Fakher and Trademark Abstract of Assignment (Bates Stamps 194-199); and the Trademark Assignee Details for Nadine Hamade (Bates Stamps 200-201). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 4:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Shipping receipts, purchase orders and/or sales invoices showing Respondent's use of the Trademark in connection with products offered for sale or sold in the United States by Respondent (Bates Stamps 61-80, 101-108, 202-257). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 8:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Copies of promotional brochure for Al-Fakher Molasses Tobacco which comprises, depicts, and illustrates the marking by Respondent of the Trademark in connection with any advertising, intended advertising, promotion or intended promotion of any products (Bates Stamps Nos. 0-50); and attached CD containing color digital photographs of advertising and promotional materials containing or depicting the Trademark. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

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SUPPLEMENTAL RESPONSE TO REQUEST NO. 9:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Copies of promotional brochure for Al-Fakher Molasses Tobacco which comprises, depicts, and illustrates the marking by Respondent of the Trademark in connection with any advertising, intended advertising, promotion or intended promotion of any products (Bates Stamps Nos. 0-50); and attached CD containing color digital photographs of advertising and promotional materials containing or depicting the Trademark. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 10:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Copies of promotional brochure for Al-Fakher Molasses Tobacco which comprises, depicts, and illustrates the marking by Respondent of the Trademark in connection with any advertising, intended advertising, promotion or intended promotion of any products (Bates Stamps Nos. 0-50); and attached CD containing color digital photographs of advertising and promotional materials containing or depicting the Trademark. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 11:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Copies of promotional brochure for Al-Fakher Molasses Tobacco which comprises, depicts, and illustrates

the marking by Respondent of the Trademark in connection with any advertising, intended advertising, promotion or intended promotion of any products (Bates Stamps Nos. 0-50); and attached CD containing color digital photographs of advertising and promotional materials containing or depicting the Trademark. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 12:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Copies of promotional brochure for Al-Fakher Molasses Tobacco which comprises, depicts, and illustrates the marking by Respondent of the Trademark in connection with any advertising, intended advertising, promotion or intended promotion of any products (Bates Stamps Nos. 0-50); and attached CD containing color digital photographs of advertising and promotional materials containing or depicting the Trademark. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 13:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: An English translation of the word Al-Fakher (Bates Stamp No. 51) and the Trademark Application and Registration of the trademark by Bassam Hamade (Bates Stamps Nos. 184-193). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

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SUPPLEMENTAL RESPONSE TO REQUEST NO. 15:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: An English translation of the word Al-Fakher (Bates Stamp No. 51) and the Trademark Application and Registration of the trademark by Bassam Hamade (Bates Stamps Nos. 184-193). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 16:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Copies of promotional brochure for Al-Fakher Molasses Tobacco which comprises, depicts, and illustrates the marking by Respondent of the Trademark in connection with any advertising, intended advertising, promotion or intended promotion of any products (Bates Stamps Nos. 0-50); and attached CD containing color digital photographs of advertising and promotional materials containing or depicting the Trademark. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 17:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Copies of promotional brochure for Al-Fakher Molasses Tobacco which comprises, depicts, and illustrates the marking by Respondent of the Trademark in connection with any advertising, intended advertising, promotion or intended promotion of any products (Bates Stamps Nos. 0-50); and

attached CD containing color digital photographs of advertising and promotional materials containing or depicting the Trademark. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 18:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: A sole distributor agreement, dated August 23, 2006, between Sierra Network, Inc. and Sinbad Grand Café (Bates Stamps Nos. 54-60); Copies of invoices and/or purchase orders between Sierra Network and Sinbad Grand Café (Bates Stamps Nos. 61-80). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 19:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: A sole distributor agreement, dated August 23, 2006, between Sierra Network, Inc. and Sinbad Grand Café (Bates Stamps Nos. 54-60); Copies of invoices and/or purchase orders between Sierra Network and Sinbad Grand Café (Bates Stamps Nos. 61-80); Exclusive Agency Agreements dated July 24, 2007, and September 10, 2005, respectively, between Sinbad Grand Café and Al Fakher Trading Co. (L.L.C.), manufacturer of the infringing product (Bates Stamps Nos. 81-82); Various licensing and company documents for Sinbad Grand Café (Bates Stamps Nos. 84-96). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

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SUPPLEMENTAL RESPONSE TO REQUEST NO. 20:

Pursuant to a diligent search and reasonable inquiry, Respondent does not have documents responsive to this request within its possession, custody and/or control. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 21:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: Shipping invoices showing transactions between Sinbad Grand Café and Sierra Network, Inc., shipping invoices showing transactions between Bassam Hamade and Sierra Network, Inc., as well as other shipping invoices between Sierra Network, Inc., and all of its current customers (Bates Stamps Nos. 61-80, 101-108, 202-257). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 22:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: A letter written in Arabic on May 13, 2007, from Nancy Debabneh (lawyer for Al-Fakher in the UAE) and Talaat Mazaai, indicating that Mr. Mazaai (signatory for Al-Sharkia for Tobacco) wrongfully used the Al-Fakher design and logo in connection with his own products, and also indicating that a settlement was agreed upon whereby Mr. Mazaai agreed to give up any claims to the particular mark and stop selling, distributing, or manufacturing products using the particular mark (Bates Stamps Nos. 99-100); and a letter from Mohammed of the Kashwani Law Firm, attorney for Al Fakher Tobacco Trading Establishment in UAE, informing Mr. Bassam Hamade that he was in

breach of the provisions of an agreement between Al-Fakher and Mr. Hamade (Bates Stamp No. 97). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 23:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: The TESS search of the word mark Al-Fakher and Trademark Abstract of Assignment (Bates Stamps 194-199); and the Trademark Assignee Details for Nadine Hamade (Bates Stamps 200-201). Respondent has no other documents within its possession, control and/ or custody at this time. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 24:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to provide these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 25:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents,

requests additional time to provide these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 26:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 27:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to provide these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 28:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: An agreement, dated May 20, 2006, between Omar Khaled Sarmini (then 49% owner of Al-Fakher in UAE), Ahmed El Ghamlasi (51% owner of Al-Fakher) and Samer Fakhouri, whereby Mr. Sarmini sold 100% of his share in Al-Fakher to Mr. Fakhouri (109-118); An agreement, dated June 7, 2006, between Omar Khaled Sarmini, Ahmed El Ghamlasi (51% owner of Al-Fakher) and Samer Fakhouri, whereby the three individuals agreed to work together as owners of the business (Bates Stamps 119-121); and an Exclusive Distribution Agreement between Al Fakher for Tobacco

Trading and Agencies Co., represented by Samer Fakhouri, and Sierra Network, Inc., giving Sierra Network, Inc. exclusive distributorship of the Al-Fakher product for the entire United States (Bates Stamps 128-143). The June 7, 2006 agreement also states that a non-national may not be a controlling owner of a UAE business, which explains why Mr. El Ghamlasi, an Emirati national, owns 51% of Al-Fakher. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 29:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, other than the documents already provided in response to previous Requests, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to produce these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 30:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces the following documents, not privileged, within its possession, control and/or custody: 3 distributor agreements between Sierra Network, Inc. and third parties (Bates Stamps Nos. 258-277). Respondent will produce all other licensing agreements between Respondent and third parties regarding use of the Trademark. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

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SUPPLEMENTAL RESPONSE TO REQUEST NO. 31:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent will produce the following documents, not privileged, within its possession, control and/or custody: All litigation filings involving the litigation between Sierra Network, Inc. and Bassam Hamade as well as non-privileged correspondence related to that litigation. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 32:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces the following documents within its possession, control and/or custody: A letter written in Arabic on May 13, 2007, from Nancy Debabneh (lawyer for Al-Fakher in the UAE) and Talaat Mazaai, indicating that Mr. Mazaai (signatory for Al-Sharkia for Tobacco) wrongfully used the Al-Fakher design and logo in connection with his own products, and also indicating that a settlement was agreed upon whereby Mr. Mazaai agreed to give up any claims to the particular mark and stop selling, distributing, or manufacturing products using the particular mark (Bates Stamps Nos. 99-100). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 33:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces the following documents, not privileged, within its possession, control and/or custody: Various licenses and/or agreements between Al-Fakher in UAE and third parties involving use of the trademark in territories inside and outside the United States, including UAE, Iran, Qatar Duty Free, Djibouti, Somalia, Ethiopia, Yemen, South Africa, Switzerland, Australia and New Zealand (Bates Stamps Nos. 109-183). As discovery and

investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 34:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 35:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: A translation of the word Al-Fakher (Bates Stamp No. 51); and The United States Patent and Trademark Office Application and Registration of the trademark under Bassam Hamade (Bates Stamps 184-193). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 36:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: A translation of the word Al-Fakher (Bates Stamp No. 51); and The United States Patent and Trademark Office Application and Registration of the trademark under Bassam Hamade (Bates Stamps 184-193). As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

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SUPPLEMENTAL RESPONSE TO REQUEST NO. 37:

Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 38:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 39:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 40:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 41:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, other than the documents already provided in response to previous Requests, Respondent is not currently in possession, control and/or custody of documents responsive to this

request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to produce these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 42:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 43:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, other than the documents already provided in response to previous Requests, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to provide these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 44:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

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SUPPLEMENTAL RESPONSE TO REQUEST NO. 45:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, other than the documents already provided in response to previous Requests, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to provide these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 46:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, other than the documents already provided in response to previous Requests, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to provide these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 47:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, other than the documents already provided in response to previous Requests, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to provide these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO.48:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent is not in possession, control and/or custody of documents responsive to this request. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 49:

Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, other than documents already provided in response to previous Requests, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing responsive documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to produce these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement responses should Respondent's continued investigation reveal further information responsive to this request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 50:


Respondent hereby withdraws all objections. Pursuant to a diligent search and reasonable inquiry, Respondent produces all non-privileged, non-work product documents responsive to this request that are within its possession, control and/or custody: A translation of the word Al-Fakher (Bates Stamp No. 51); and The United States Patent and Trademark Office Application and Registration of the trademark by Bassam Hamade (Bates Stamps 184-193). Other than documents already produces for previous Requests, Respondent is not in possession, control and/or custody of documents responsive to this request. Respondent is in the process of securing documents from Al-Fakher in UAE, and due to the extremely laborious task of gathering these documents, requests additional time to provide these documents. As discovery and investigation are continuing, Respondent reserves the right to supplement its responses

should Respondent's continued investigation reveal further information responsive to this request.

Dated: June 13, 2008

GAREEB | PHAM, LLP

By: _____



Christopher Q. Pham, Esq.
Sumithra Rao, Esq.
Attorneys for Respondent
AL-FAKHER FOR TOBACCO
TRADING & AGENCIES CO.
LTD.

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**RESPONDENT'S VERIFICATION OF SUPPLEMENTAL RESPONSES TO
PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS**

I, David Hanna, declare:

I am Co-Owner and Vice-President of Sierra Network, Inc., which is the exclusive licensee in the United States of the trademark "Al-Fakher," at issue in the above-entitled action, and I have been authorized to make this verification on Respondent's behalf.

I have read the foregoing **RESPONDENT'S SUPPLEMENTAL RESPONSES TO PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS** on file herein and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this verification was executed this 13th day of June, 2008, at Los Angeles, California.



David Hanna

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is **GAREEB | PHAM LLP**, located at Aon Center, 707 Wilshire Boulevard, 53rd Floor, Los Angeles, California 90017. On June 13, 2008, I served the herein described document(s):

RESPONDENTS'S SUPPLEMENTAL RESPONSES TO PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

E-File - by electronically transmitting the document(s) listed above to

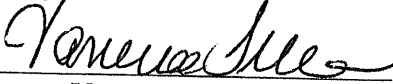
by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

by overnight courier of the document(s) listed above to the person(s) at the address(es) set forth below.

Natu J. Patel
The Patel Law Firm, P.C.
2532 Dupont Drive
Irvine, CA 92612

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 13, 2008 at Los Angeles, California.


Vanessa Tello

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**RESPONDENTS'S OPPOSITION TO PETITIONER'S MOTION TO COMPEL
RESPONSES TO PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS**

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

Natu J. Patel
The Patel Law Firm, P.C.
2532 Dupont Drive
Irvine, CA 92612

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 13, 2008 at Los Angeles, California.

Vanessa Tello
Vanessa Tello